

I think it's misconduct. What should I do?

Reporting minor misconduct

This fact sheet has been prepared for any member of the Western Australian community who has a reasonable suspicion that a public officer has been involved in minor misconduct.

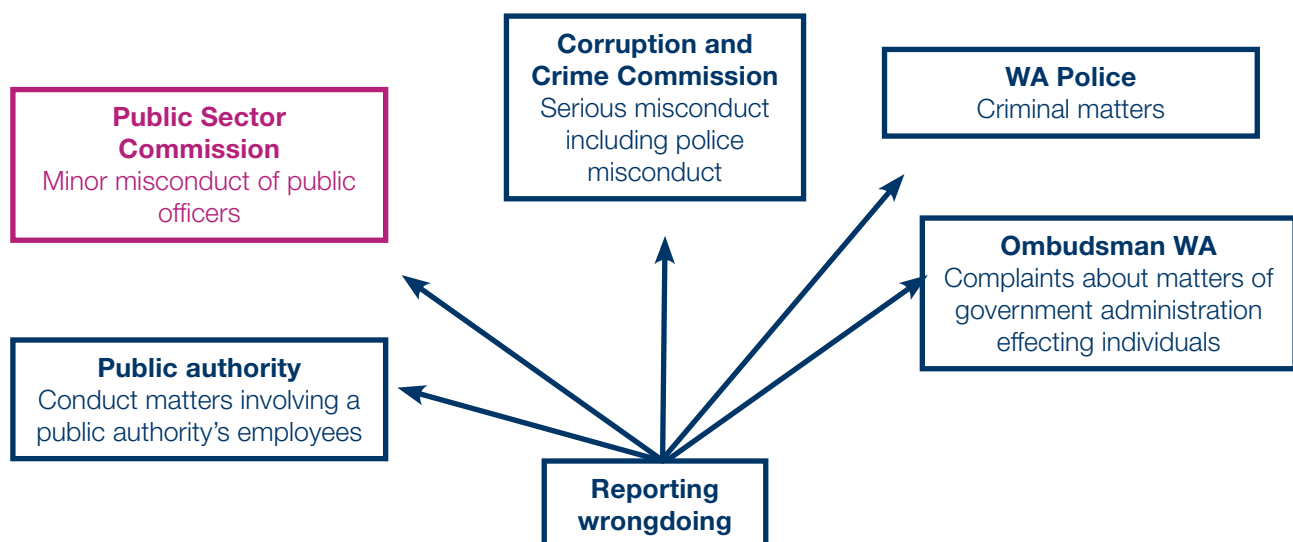
Do you suspect a public officer has done something wrong? Wondering how you can report it?

Deciding to speak up

If you suspect a public officer has done something wrong (either in performing the duties of their job, or it affects their fitness to do their job), you should report it. Reporting builds the integrity of government and is an important part of the accountability framework.

There are a number of reporting pathways to consider. These range from complaining to the public authority involved to contacting an oversight agency. Which pathway you access will depend on the nature of the wrongdoing you have seen or experienced.

You are encouraged to research online to understand who your allegations are best reported to. You could also phone the authority you are thinking of reporting to, and discuss the allegations before making your report formally.



Public interest disclosure (PID)

Is available to anyone who wants to report certain types of wrongdoing. PID provides certain protections for people who choose to speak up. The PSC can provide further advice.

I think it might be minor misconduct?

From 1 July 2015 you can report any reasonable suspicion of minor misconduct involving a public officer to the Public Sector Commission (PSC). These powers come from the [Corruption, Crime and Misconduct Act 2003](#).

It is important you consider what behaviours and circumstances constitute minor misconduct and whether the person/s involved is a public officer for the purposes of the legislation.

To assist you, the PSC has prepared fact sheets you might find useful:

- [Fact sheet 1: What is minor misconduct?](#)
- [Fact sheet 2: What is a public authority and who is a public officer?](#)

There is a good chance that if the public officer/s involved could be the subject of a disciplinary investigation within the authority, then it might be minor misconduct. If you suspect the behaviour you have seen or experienced is minor misconduct you can report it to the PSC.

Consider confidentiality

You can choose to tell us who you are, or remain anonymous when you report. The things you might like to consider include:

If you identify yourself

- We will be able to ask you for more information if we need it
- We can tell you what action we intend to take based on your report
- We will know your identity and it will be recorded in our database
- If the matter is referred to the public authority to investigate, we might have to provide your contact details to them to enable the matter to be investigated.

Remain anonymous

- Our ability to assess your complaint may be limited
- We will not be able to ask you for more information if we need it
- We will not be able to tell you anything further about the report once it is made.

Other options - If your confidentiality is important, you might also like to consider lodging a public interest disclosure with the public authority concerned.

This fact sheet is for information purposes only and should not be considered a substitute for legal advice.

Make the call

We encourage you to call the PSC's Advisory service on 08 6552 8888 and speak with a consultant before you report. Our team will try to understand if your allegations are within our jurisdiction, or are appropriate to come to us.

Some key pieces of information you should have on hand when you call are:

- The name and position of the person/s allegedly involved and where they work
- What date and/or time the alleged conduct occurred
- A brief description of your allegations and why you think that behaviour is minor misconduct
- If you have spoken, or complained, to any other oversight agencies about the allegations, and when that complaint was made.

This initial conversation will be treated as an enquiry. We won't make it formal until you make a report of minor misconduct, preferably in writing (including electronically). This can be done:

Online: [online form](#) or www.publicsector.wa.gov.au

Email: minormisconduct@psc.wa.gov.au

Post: Locked Bag 3002, WEST PERTH WA 6872

If you prefer to make your report verbally, we can arrange for you to speak with an officer from our Conduct and Standards team who can receive your report.

What we do when your report is received

Acknowledge

If you identify yourself, we will acknowledge that we have received your report with an email or letter. Your report will then be entered into our database.

Assess

We read and consider every report we receive. When assessing allegations, we consider:

- Whether the matter falls within the PSC's jurisdiction
- How significant the alleged misconduct is and whether it is likely to be minor misconduct
- The seniority of the public officer/s involved and the position the public officer/s holds
- If the allegations are of particular interest to the PSC or the CCC.

We aim to assess reports as quickly as possible. We will notify you by email or letter about what action we intend to take on your report.

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Our options for further action

A senior PSC officer will make the decision on what happens to your report. We have a number of options available to us following assessment. We may:

- Choose not to take any further action in relation to the allegations
- Refer the allegations to the relevant public authority for it to manage – many conduct matters are best handled by the public authority
- Refer the allegations to the relevant public authority for it to manage, but we monitor the process undertaken and/or request that we're notified of the outcome
- Investigate the matter under the authority of the Public Sector Commissioner – we expect that very few allegations will result in a formal investigation by the Commissioner
- Investigate cooperatively with the CCC, or another appropriate authority
- Refer the matter to the CCC, or another appropriate authority.

Referring

Like many oversight agencies in Australia, we can't investigate every allegation of misconduct we receive. We use strict criteria when we assess your report.

Often we will refer allegations back to the public authority concerned, or to the CCC or another appropriate authority. This doesn't mean your report is not important but it may be best handled elsewhere. If we refer your report, we will advise you. As good practice the public authority receiving the referral should acknowledge receipt of your report.

Making false or misleading reports

If you make a report of minor misconduct that is deliberately false or misleading, or make that report recklessly or maliciously, this is an offence under the legislation. It carries a penalty of three years' imprisonment and a \$60 000 fine.

While you don't require proof of minor misconduct, you do need to have a reasonable suspicion that the conduct has, is or may occur.

Further advice

To gain a legal understanding of the process for reporting minor misconduct, you can refer to the *Corruption, Crime and Misconduct Act 2003* available from State Law Publisher at www.slp.wa.gov.au

Please contact the PSC for advice on whether an allegation might be within the PSC's minor misconduct jurisdiction.

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